

2025:PHHC:038631



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

1. CRM-M-10936-2025 (O&M)

Vakil Singh ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-1977-2025 (O&M)

Gurpiar Singh ...Petitioner

Versus

State of Punjab ...Respondent

Reserved on : 18.03.2025
Pronounced on : 21.03.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Hitesh Verma, Advocate
for the petitioner in CRM-M-10936-2025.

Mr. Munish Garg, Advocate
for the petitioner in CRM-M-1977-2025.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. This common order shall dispose of above mentioned two petitions as they arise out of the same FIR and seek similar relief.
2. Prayer in these petitions, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioners in FIR No. 315 dated 27.06.2024, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Barnala, District Barnala.
3. Brief facts of the case relevant for the disposal of the present

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petition are that on 27.06.2024, on the basis of a secret information, the petitioners along with co-accused Rohit Kumar and Munish Kumar were apprehended by a police party headed by SI Manjit Singh from the cotton market and recovery of total 700 loose intoxicant tablets (Alprazolam) was effected from them. They were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioners along with the co-accused are facing trial for commission of aforementioned offence. They had moved applications for grant of regular bail before the learned trial Court but the same had been dismissed, vide orders dated 06.11.2024 and 13.08.2024, respectively.

4. Learned counsels for the petitioners have argued that the petitioners have been falsely implicated in this case. As per prosecution case, total 700 intoxicant tablets were recovered in this case. However, from the personal search of the petitioners, only 90 tablets from petitioner Vakil Singh and 85 tablets from petitioner Gurpiar Singh are shown to have been recovered and the weight of the same, as per FSL report, comes 11.52 grams and 10.88 grams respectively, which is much below the commercial quantity. It is further submitted that if the entire weight of the recovered tablets i.e. 700 is taken together, even then the quantity of recovered contraband does not fall within the ambit of the commercial quantity, the same being 100 grams. It is further argued that the investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioners are in judicial custody since 27.06.2024. They are not involved in any other case under the NDPS Act. No useful purpose would be served by keeping them in custody anymore as they are no more required for any custodial interrogation. Co-accused Vivek Kumar

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@ Debal Shooter has already been granted concession of regular bail by this Court, vide order dated 18.12.2024 passed in **CRM-M-62712-2024**. On the grounds of parity, the petitioners too deserve to be granted the same benefit. Hence, it is urged that the petitions deserve to be allowed and the petitioners deserve to be granted benefit of regular bail.

5. Separate status reports have been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioners are not entitled to get benefit of bail as they along with two other co-accused were apprehended by the police party at the spot on 27.06.2024 and recovery of total 700 intoxicant tablets of Alprazolam was effected from them. The trial is going on at a proper pace. It is also argued that if the petitioners are released on bail, they may abscond or indulge in the similar offences. It is, thus, argued that the petitions are liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

7. Admittedly, only 90 tablets of Alprazolam from petitioner Vakil Singh and 85 tablets of the same salt from petitioner Gurpiar Singh are shown to have been recovered during their personal search. The weight of these tablets, as per FSL report, has been found to be only 11.52 grams and 10.88 grams respectively. Even the quantity of the entire recovered intoxicant i.e. 700 tablets of Alprazolam itself does not fall within the ambit of the commercial quantity. The petitioners are in custody since 27.06.2024. They are not shown to be involved in any other case under the NDPS Act. There is no basis to state that if released on bail, the petitioners may abscond or indulge in the similar offences. Investigation has since been concluded and *challan* has been presented.

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Conclusion of trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioners in custody anymore. Accordingly, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioners are found involved in any other subsequent case.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petitions and the same shall not be construed as an expression of opinion on the merits of the case.

9. Let a photocopy of this order be placed on the file of the connected case.

21.03.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No